

15268. Adulteration and misbranding of chocolate coating. U. S. v. 10 Bags and 19 Bags of Chocolate Coating. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21826. I. S. No. 13253-x. S. No. E-6052.)

On April 14, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 29 bags of chocolate coating, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Massachusetts Chocolate Co., from Boston, Mass., on or about November 30, 1926, and transported from the State of Massachusetts into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Arena Flavored Choc. Coating 200 Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive shells, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Choc. Coating," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 16, 1927, the Massachusetts Chocolate Co., Boston, Mass. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold or disposed of contrary to law, nor until inspected and approved by a representative of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15269. Adulteration and misbranding of canned tomatoes. U. S. v. William E. Morris (Burlington County Canning Co.). Plea of guilty. Fine, \$200. (F. & D. No. 21585. I. S. Nos. 13691-x, 13692-x, 13693-x, 13694-x.)

On May 27, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William E. Morris, trading as the Burlington County Canning Co., Vincentown, N. J., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about August 25, August 31, September 10, and September 16, 1926, respectively, from the State of New Jersey into the State of Pennsylvania, of quantities of canned tomatoes, which were adulterated and misbranded. A portion of the article was labeled, in part: (cases) "Tomatos."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, added tomato puree, tomato pulp, or juice from tomato skins and cores, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Tomatos," borne on each of a number of the cases containing the article, was false and misleading, in that the said statement represented that the article consisted solely of tomatoes, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted solely of tomatoes, whereas it did not, but consisted, in part, of added puree, tomato pulp, or juice from tomato skins and cores. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, tomatoes.

On June 6, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

15270. Adulteration of oranges. U. S. v. 38 Boxes of Oranges. Decree of condemnation, forfeiture, and destruction entered. (F. & D. No. 21850. I. S. No. 14561-x. S. No. E-6087.)

On April 6, 1927, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and con-